



Attorneys Docket No. 24270-11827 (3)

## DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

### INVENTOR AND SPECIFICATION IDENTIFICATION

My residence, post office address and citizenship are as stated below next to my name, I believe that I am the original, first and sole inventor (*if only one name is listed below*) or an original, first and joint inventor (*if plural names are listed below*) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

#### GOGGLE FOR SPORTS AND ADVERSE ENVIRONMENTS

TITLE OF INVENTION

the specification of which:

is attached hereto.

was filed on March 5, 1999 as Application Serial No. 09/262,809  
and was amended on \_\_\_\_\_ *(if applicable)*.

was described and claimed in PCT International Application No. \_\_\_\_\_ filed on \_\_\_\_\_  
and amended under PCT Article 19 on \_\_\_\_\_ *(if any)*.

### REVIEW OF PAPERS AND ACKNOWLEDGEMENT OF DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I do not know and do not believe that the invention claimed in the above-identified specification was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, and that the same was not in public use or on sale in the United States of America more than one year prior to this application.

I acknowledge the duty to disclose to the Patent and Trademark Office information which I know is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56.

### FOREIGN APPLICATIONS AND PRIORITY CLAIM

The invention claimed in the above-described specification has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application. I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate

or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 USC 119
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

#### DOMESTIC PRIORITY CLAIM

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States patent application(s) listed below and, insofar as this application discloses or claims subject matter in addition to that disclosed in the below listed priority applications, I acknowledge the duty to disclose to the Patent and Trademark Office all information known by me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date(s) of the below-listed prior application(s) and the national or PCT international filing date of this application.

(APPLICATION SERIAL NO.) (FILING DATE) (STATUS: PATENTED, PENDING, ABANDONED)

(APPLICATION SERIAL NO.) (FILING DATE) (STATUS: PATENTED, PENDING, ABANDONED)

#### POWER OF ATTORNEY

The undersigned hereby appoints Ronald L. Wanke (Reg. No. 22,725), Stanley A. Schlitter (Reg. No. 28,799), Michael S. Walsh (Reg. No. 29,454), Richard P. Beem (Reg. No. 32,691), Eric H. Weimers (Reg. No. 33,048), Mark K. Suri (Reg. No. 36,024), Patrick L. Patras (Reg. No. 37,695), each registered to practice before the Patent and Trademark Office and practicing at the firm of JENNER & BLOCK, Chicago, Illinois, my attorneys with full power of substitution and revocation, to prosecute this application, to make alterations or amendments therein, to receive the patent and transact all business in the Patent and Trademark Office connected therewith.

All CORRESPONDENCE should be addressed to:

PATENT DOCKET CLERK  
JENNER & BLOCK  
ONE IBM PLAZA  
CHICAGO, IL 60611

All TELEPHONE INQUIRIES may be directed to the following attorney at (312) 222-9350:

Ronald L. Wanke

I hereby declare I have read this Declaration, and that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**HAND PRINT DATE BEFORE SIGNING**

Full name of sole or  
first joint inventor David T. Robrahn Citizenship U.S. AUSTRALIAN

Inventor's signature D. Robrahn Date 3 May - 99

Residence 460 Rivers St E. KETCHUM - IDAHO - 83340

Post Office Address Box 2334 - Sun Valley - IDAHO - 83353-2334

Full name of second  
joint inventor Robert Youmans Citizenship U.S.

Inventor's signature Robert Youmans Date 5/6/99

Residence 10733 SW Cowan Road, Vashon, WA 98070

Post Office Address



Attorney's Docket No. 24270-11827

Applicant or Pattee: David T. Robrahn and Robert Youmans

Serial or Patent No.: 09/262,809

Filed or Issued: March 5, 1999

For: GOGGLE FOR SPORTS AND ADVERSE CONDITIONS

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) AND 1.27(c))--SMALL BUSINESS CONCERN**

I hereby declare that I am

the owner of the small business concern identified below:  
 an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN Scott USA, Inc.

ADDRESS OF CONCERN 110 Lewis Street, Ketchum, ID 83340

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed, to and remain with the small business concern identified above with regard to the invention entitled  
GOGGLE FOR SPORTS AND ADVERSE CONDITIONS

by inventor(s) David T. Robrahn and Robert Youmans

described in

the specification filed herewith.  
 application serial no. 09/262,809, filed March 5, 1999.  
 patent no. \_\_\_\_\_, issued \_\_\_\_\_

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).

NAME Scott USA, Inc.

ADDRESS 110 Lewis Street, Ketchum, ID 83340

INDIVIDUAL

SMALL BUSINESS CONCERN

NONPROFIT ORGANIZATION

(Small Entity--Small Business--page 1 of 2)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING DAVID L. Stevens  
TITLE OF PERSON OTHER THAN OWNER VP  
ADDRESS OF PERSON SIGNING P.O. Box 1230  
Harley, ID- 83333

SIGNATURE David L. Stevens Date 5/4/99